



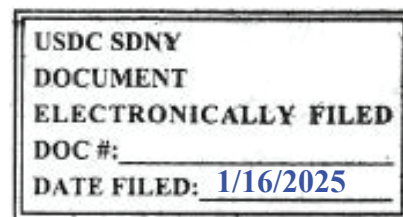
**Office of the New York State
Attorney General**

**Letitia James
Attorney General**

January 8, 2025

Via ECF

The Honorable Jennifer H. Rearden
United States District Judge
Southern District of New York
500 Pearl Street, Room 1010
New York, NY 10007



Re: *Rhodes v. New York Presbyterian Hospital, et al.*,
23-cv-06449 (JHK) (S.D.N.Y.)

Dear Judge Rearden:

Defendants New York State Governor Kathy Hochul and Department of Health ("DOH") Commissioner James V. McDonald (together, the "State Defendants") write in response to Plaintiff's letter-motion filed on January 7, 2025 (ECF No. 55), seeking a stay of this action for sixty (60) days. The State Defendants take no position on Plaintiff's request to stay the case or extend the deadline to file a motion for leave to file a Second Amended Complaint from January 27, 2025 to April 7, 2025.

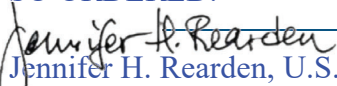
However, contrary to Plaintiff's letter-motion, in which Plaintiff also requests that the Court strike supplemental authority filed by Co-Defendants New York Presbyterian Hospital ("NYPH"), Steven J. Corwin, M.D., Jean Amie, and Royal Charter Properties, Inc. (collectively, the "NYPH Defendants") (ECF No. 54), the State Defendants note that fully briefed motions to dismiss the First Amended Complaint are *sub judice*. State Defendants' Motion to Dismiss the Amended Complaint was filed on October 23, 2023. ECF No. 26. NYPH Defendants also filed a Motion to Dismiss the First Amended Complaint on October 27, 2023. ECF Nos. 27-29. Plaintiff filed his Opposition to the Motions to Dismiss on December 15, 2023. ECF Nos. 34-35. Both the State Defendants and the NYPH Defendants filed Replies in Support of their respective Motions to Dismiss on January 12, 2024. ECF Nos. 36, 37.

Plaintiff's deadline to move to amend the First Amended Complaint is extended to **April 7, 2025**. Given that two fully briefed motions to dismiss are pending in this case, *see* ECF Nos. 26, 27, there is nothing else to stay.

Plaintiff's motion to strike Defendants' notice of supplemental authority, *see* ECF No. 54, is DENIED. Although Plaintiff states that Defendants' notice "was filed while no motion was pending," Defendants' motions to dismiss in fact remain *sub judice*.

The Clerk of Court is directed to terminate ECF No. 55.

SO ORDERED.


Jennifer H. Rearden, U.S.D.J.
Dated: January 15, 2025

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Honorable Jennifer H. Rearden
January 8, 2025

Page 2 of 2

Thank you for Your Honor's attention to these matters.

Sincerely,

/s/ Jessica Preis

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cc: All Parties of Record (by ECF)